

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

|  |                                   |
|--|-----------------------------------|
| IN RE:<br><br>OFFICE OF CONSUMER ADVOCATE,<br><br>Petitioner,<br><br>vs.<br><br>LCR TELECOMMUNICATIONS, L.L.C.,<br><br>Respondent. | DOCKET NOS. FCU-02-26<br>FCU-03-9 |
|--|-----------------------------------|

**ORDER APPROVING SETTLEMENT AGREEMENT**

(Issued September 26, 2003)

On September 20, 2002, Jerry P. Gibson, O.D., filed a complaint with the Utilities Board (Board) alleging his long distance service was changed to LCR Telecommunications, L.L.C. (LCR), without authorization. The matter was identified as C-02-322. After completion of the informal complaint process of 199 IAC 6, on December 6, 2002, Board staff issued a proposed resolution finding Dr. Gibson's service had been slammed. On December 16, 2002, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed a petition for a proceeding to impose a civil penalty. On August 7, 2003, the Board granted the petition and docketed the matter as Docket No. FCU-02-26.

On October 29, 2002, Dr. Debbie Mosley Nelson submitted a slamming complaint to the Federal Communications Commission (FCC). On December 20, 2002, the FCC forwarded Dr. Nelson's complaint to the Board. The Board identified the matter as C-02-430. On January 21, 2003, after completion of the informal complaint process, Board staff issued a proposed resolution finding Dr. Nelson's service had been slammed. On January 27, 2003, Consumer Advocate filed a petition for a proceeding to impose a civil penalty. The petition is identified as Docket No. FCU-03-9.

On September 12, 2003, the parties to Docket Nos. FCU-02-26 and FCU-03-9 submitted a joint motion for approval of the settlement agreement contained in the motion. The settlement agreement addresses all issues in both of the dockets. Under the terms of the settlement agreement, LCR denies slamming Dr. Gibson and Dr. Nelson. However, in the interest for settling the matter, LCR agrees to the assessment of a civil monetary penalty in the amount of \$500 in each docket, for a total penalty of \$1,000, in accordance with the provisions of Iowa Code § 476.103 (2003). Payment is due 30 days after entry of a Board order approving the settlement. In each docket, LCR has also credited all charges previously billed to the customers.

The settlement agreement is reasonable in light of the record, is in conformance with all applicable statutes and rules, is in the public interest, and will be approved. 199 IAC 7.2(11).

**IT IS THEREFORE ORDERED:**

1. The "Joint Motion for Approval of Settlement Agreement" filed in these dockets on September 12, 2003, is granted and the "Settlement Agreement" is approved.

2. Pursuant to Iowa Code § 476.103 and the settlement agreement, LCR Telecommunications, L.L.C., is assessed two civil penalties in the amount of \$500, for a total civil penalty of \$1,000, for these two dockets. Payment is due within 30 days of the date of this order

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 26<sup>th</sup> day of September, 2003.